

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DETRON SMITH,

Plaintiff,

v.

NFL PLAYER DISABILITY &
NEUROCOGNITIVE BENEFIT PLAN,

Defendant.

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1:22-CV-928-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Dustin Howell concerning Plaintiff Detron Smith's ("Plaintiff") Motion for Summary Judgment, (Dkt. 17), and Defendant NFL Player Disability & Neurocognitive Benefit Plan ("Defendant") Motion for Summary Judgment, (Dkt. 18). (R. & R., Dkt. 26). Plaintiff timely filed objections to the report and recommendation. (Objs., Dkt. 27).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiff timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Plaintiff's objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Dustin Howell, (Dkt. 26), is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant's motion for summary judgment, (Dkt. 18), is **GRANTED** and Plaintiff's motion for summary judgment, (Dkt. 17), is **DENIED**.

IT IS FINALLY ORDERED that Plaintiff's claims are **DISMISSED**.

The Court will enter final judgment by separate order.

SIGNED on March 13, 2024.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE